



General Assembly

Substitute Bill No. 1158

January Session, 2009

* SB01158BA 050609 *

AN ACT CONCERNING FORECLOSURE PROCEDURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 49-31l of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2009*):

4 (a) Prior to July 1, 2010, when a mortgagee commences an action for
5 the foreclosure of a mortgage on residential real property with a return
6 date on or after July 1, 2008, the mortgagee shall give notice to the
7 mortgagor of the foreclosure mediation program established in section
8 49-31m by attaching to the front of the foreclosure writ, summons and
9 complaint that is served on the mortgagor: (1) A copy of the notice of
10 the availability of foreclosure mediation, in such form as the Chief
11 Court Administrator prescribes, and (2) a foreclosure mediation
12 request form, in such form as the Chief Court Administrator
13 prescribes.

14 Sec. 2. Section 49-15 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective October 1, 2009*):

16 (a) (1) Any judgment foreclosing the title to real estate by strict
17 foreclosure may, at the discretion of the court rendering the [same]
18 judgment, upon the written motion of any person having an interest
19 [therein] in the judgment, and for cause shown, be opened and
20 modified, notwithstanding the limitation imposed by section 52-212a,

21 upon such terms as to costs as the court deems reasonable, [; but]
 22 except that no such judgment shall be opened after the title has become
 23 absolute in any encumbrancer unless all parties agree to open such
 24 judgment in accordance with subdivision (2) of this subsection.

25 (2) Upon agreement of all parties, a judgment may be opened after
 26 title has become absolute in any encumbrancer, provided (A) such
 27 judgment may not be opened more than four months after title has
 28 become absolute in any encumbrancer, and (B) all rights and interests
 29 of the parties are restored to the status that existed on the date of the
 30 judgment.

31 (b) Upon the filing of a bankruptcy petition by a mortgagor under
 32 Title 11 of the United States Code, any judgment against the mortgagor
 33 foreclosing the title to real estate by strict foreclosure shall be opened
 34 automatically without action by any party or the court, provided, the
 35 provisions of such judgment, other than the establishment of law days,
 36 shall not be set aside under this subsection, [; but] except that no such
 37 judgment shall be opened after the title has become absolute in any
 38 encumbrancer or the mortgagee, or any person claiming under such
 39 encumbrancer or mortgagee. The mortgagor shall file a copy of the
 40 bankruptcy petition, or an affidavit setting forth the date the
 41 bankruptcy petition was filed, with the clerk of the court in which the
 42 foreclosure matter is pending. Upon the termination of the automatic
 43 stay authorized pursuant to 11 USC 362, the mortgagor shall file with
 44 such clerk an affidavit setting forth the date the stay was terminated.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2009	49-311(a)
Sec. 2	October 1, 2009	49-15

JUD Joint Favorable Subst.

BA Joint Favorable